



The Consular Communiqué

Non-Immigrant Visa Unit

Student Visas

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Need general information on non-immigrant or immigrant visas? Or do you have questions on the Department of Homeland Security's Bureau of Citizenship and Immigration Services (BCIS)?

Check out
www.UnitedStatesVisas.gov.

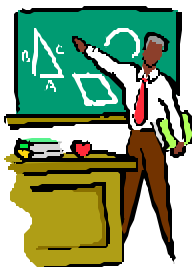
The Consular Communiqué can now be accessed on the U.S. Embassy Bogotá's website at:

<http://usembassy.state.gov/colombia>.

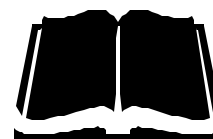
When we speak of student visas, we are referring to three categories of visas: academic students (F1), non-academic students (M1) and exchange students (J1). In Colombia, we deal mainly with academic and exchange students. In fiscal year 2003 for example, the Embassy adjudicated 4,633 F1 visa applications (including dependents) and 3,614 J1 visas, while only 39 M1 visa applications were submitted.

Applicants for student visas must demonstrate that they have a residence abroad to which they intend to return; have been accepted in a full course of study at a Bureau of Citizenship and Immigration Services (BCIS) approved institution, by presenting Form I-20 A-B (with SEVIS identification indicating approval); have sufficient academic preparation to pursue the intended course of study; have sufficient knowledge of English to pursue the intended study (or evidence that the school is aware of the lack and will remedy it); and have sufficient funds to cover the first year of study, and access to sufficient funds to cover subsequent years.

Applicants for J1 visas must demonstrate acceptance in a designated exchange visitor program, by presenting Form IAP-66/DS 2019; sufficient funds, or adequate arrangements, to cover expenses; sufficient knowledge of English to undertake the proposed



program; and compliance with the requirements of Section 212 (j) Immigration and Nationality Act (INA), if going to the United States to participate in a graduate medical education or training program.



The Embassy currently approves approximately 50% of F1 applicants and 75% of J1 applicants, approval rates which have not changed in the last five years (with the exception of 2001). In meetings with universities and organizations that sponsor academic and exchange students we have stressed the following: our requirement to conduct interviews with applicants to determine which candidates satisfy the criteria; the greater difficulty that students in their first, second, or final semester of study will have in qualifying for a student/exchange visa; the advantages of letting us know of cases in which applicants received visas, traveled to the USA and did not return.

We hope that maintaining transparency with student visa applications will promote applications from genuine students and result in a better qualified applicant pool. Colombia's socio-economic and security conditions, the availability of high quality fraudulent documents, and a history of migration to the United States have resulted in a certain percentage of applicants seeking student visas for reasons other than study. We hope that dissemination of information on student visa requirements, coupled with open dialogue with organizations sponsoring student visa applicants, will lead to an increase in the number of genuine potential students from Colombia and a higher level of visa issuance.

Non-Immigrant Visa Unit

Vice Consul's Corner—A View From the Window



The first day at work in a new job is a bit nerve wracking for most people. And I was no exception. Bright and early on a Monday morning, I reported to work at the Non-Immigrant Visa Unit of U.S. Embassy Bogotá, one of the largest and busiest in the world.

"Welcome to the line," said my supervisor. "This is Window 13, your home away from home for the next few months." "The line" is what officers call the row of windows from which nine officers conduct interviews and adjudicate over 1,000 visas everyday. If it sounds like a lot, it is. I decided to deal with it a piece at a time, or rather, one interview at a time.

"Buenos días" says a young family almost in unison. "Como está?" Colombians, like many people around the world, are deeply interested in the United States, and the reasons are as varied as the people that come to my window. "We want to take the kids to Disney," says Mom as the baby smiles and puts a sticky hand on the glass separating us. "We go almost every year to visit family in Florida." Other people want to study English, attend a conference, run a marathon, represent Colombia at international events, or simply vacation and get to know the home of Mickey Mouse.

As for me, my daily challenge was two-fold: to be fair and to be fast. "At the beginning, everyone is a little nervous about making the right decision in a very short period of time," said my training officer. "Listen to the person and decide if their story makes sense. Most people have legitimate reasons for travel. But a minority of applicants wants to go to the States so much that they don't tell the truth or present fraudulent documents. It is shocking at first. Luckily, it does not happen regularly."

Being fast on the line also worried me a bit. Some officers conduct over 150 interviews a day. Most applicants come in with stacks of documents to support their request and officers often reach their decision without going through them.

"Immigration laws in the United States require that applicants all over the world overcome the assumption that they will emigrate to the United States," explained my neighbor at window 12, a veteran of 13 months on the line. "Documents can often help in that respect, but they do not tell the whole story. If a person has traveled extensively and used his or her previous visa responsibly, there is no need to look at bank documents. It would take time from other applicants."

Fellow officers were, from the very beginning, a source of insight and guidance. Each brought a different set of skills and backgrounds to the line. As time went by, I realized that in fact this was our biggest strength and the best we had to offer the public: a diversity of individuals who brought a variety of approaches to the job and did their best everyday.

It wasn't long till window 13 started to seem homey and the rhythms of the line familiar. And for the first time since I joined the Foreign Service, I was able to write home and tell Mom I finally got an office with a view.

Biometrics— What is it?



Section 303 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (Border Security Act) requires that "Not later than October 26, 2004, the Attorney General and the Secretary of State shall issue to aliens only machine-readable, tamper-resistant visas and travel and entry documents that use biometric identifiers."

Following are some questions and answers related to biometrics. We will continue to provide more information on this topic as it becomes available and as the October 26, 2004 date approaches.

Q: What is a biometric identifier?

A: A biometric identifier is a means of identifying a person by biological features unique to an individual (like the face, fingerprints, or iris scans) using advanced computerized recognition techniques.

Q: What will this mean for me when I apply for a visa?

A: What this means, for now, is that every visa applicant will have two fingerprints (and eventually, eight fingerprints) collected at the time of visa application.

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Immigrant visa unit

How "Minimum Income Requirements" Affect the Immigrant Visa Process



Each year a specific amount of income, called the "Minimum Income Requirements" or "Federal Poverty Guidelines" are determined by the Department of Health and Human Services. A person petitioning for a family member must earn at least 125% of this minimum income. These requirements are used by the Department of State to ensure that those immigrating will have access to enough income to be able to live, adjust to life in the United States, and not become a public charge (i.e. apply for public assistance payments or other tax payer-funded benefits). During the application process, the sponsor must show that the household income is equal to or higher than 125% of the U.S. poverty level for the household size (See table below). Note: If the sponsor is on active duty in the Armed Forces

of the United States, and the immigrant to be sponsored is a spouse or child, the income level only needs to equal to 100% of the U.S. poverty level for the household size. The household size is determined by counting the sponsor, the sponsor's dependents, any relatives living with the sponsor, and all of the immigrants that are being, or have been, sponsored.

A complete financial package

2003 Minimum Income Requirements for the Continental U.S.: (In U.S. Dollars)

Family Size	100%	125%
2	12,120	15,150
3	15,260	19,085
4	18,400	23,000
5	21,540	26,925
6	24,680	30,850
7	27,820	34,775
8	30,960	38,700

is required to prove that the minimum income requirements are met and includes the following documents. Applicants must submit a completed, original and notarized form I-864, Affidavit of Support from the sponsor, the sponsor's U.S. income tax returns for the three most recent tax years, as well as proof of the sponsor's current employment. If the sponsor was not required to file a tax return in any of these years, the sponsor must provide a letter of explanation. Failure to provide tax returns or a letter of explanation will delay the application and, if not provided, will result in refusal of the immigrant visa. If the sponsor provides all the required documents and does not meet the minimum income requirements, an affidavit of support from a co-sponsor, (also known as joint sponsor) may be submitted. A co-sponsor may be a friend or relative who is willing to accept legal responsibility for supporting the sponsor's family members along with the sponsor. A co-sponsor (or the co-sponsor and his or her household member) must meet all the same requirements as the sponsor and must meet the 125% income requirement alone. A co-sponsor cannot combine his or her income with that of a sponsor to meet the income requirement.

The form I-864 comes complete with detailed instructions. Reading these carefully, along with familiarity with the most current minimum income requirements table (available at <http://travel.state.gov>) will help sponsors provide the correct documentation to the Immigrant Visa Unit and ensure that their family members receive their Immigrant Visas in the quickest time possible.

Biometrics– What is it? Continued from page 2

Q: What are the benefits of biometrics?

A: Ultimately, biometric identification will provide enhanced security, speed border clearance, and protect the legitimate traveler from identity theft, as the Department of Homeland Security will be able to confirm the identity of the traveler by their fingerprints.

Q: Will it just be Colombians that are going to be fingerprinted?

A: No, U.S. law requires that we collect biometric identifiers from all visa applicants, worldwide, by October 26, 2004. Photographs (which are a current requirement) and scanned fingerprints are the most effective and least intrusive identifiers.

Q: Don't you already collect fingerprints from some applicants already?

A: We do collect 10 digit fingerprints (with ink, on cards) from applicants that have name and/or date of birth information that is similar to persons with adverse criminal information. This practice will continue unchanged.

Q: When will you start collecting fingerprints from everyone?

A: The official date of deployment for Colombia is still not officially set, however, it will be sometime between early and mid 2004.

Q: How will you take fingerprints?

A: We will collect two fingerprints from each applicant using a scanner. No ink is used, and the process takes only seconds. (Again, in the case of an applicant with a name and/or date of birth match to that of a person with adverse criminal information, the fingerprinting process will continue to be with ink.)

Q: What happens if a visa applicant refuses to be fingerprinted?

A: We would refuse his or her application as incomplete. However, an applicant who then later decided to provide fingerprints would have their visa application considered without prejudice.



Fraud prevention unit

Department of Homeland Security Briefs Working Group on Regional Fraud

Representatives from 17 Embassies expressed their appreciation for the fraud prevention presentation provided by the Department of Homeland Security (DHS) at the October 9 meeting of the Anti-Fraud Working Group, hosted by the U.S. Embassy.

The DHS presentation emphasized last month's "Operation American Dream", in which Colombian authorities in Cali, in coordination with the DHS Panama, dismantled a major alien smuggling organization which had brought Ecuadorans and Bolivians through Central America to Mexico and on to the United States. Representatives of these countries attending the meeting were particularly interested in the routes, motives, and operations of the traffickers. The DHS also discussed recent trends of immigrant smuggling to Spain and fraud involving the Mexican "FM3" work visa and briefed the group on fraudulent document detection.

The Anti-Fraud Working Group also heard a discussion by the Mexican Consul about a Cali-based ring which sought Mexican visas for an acting troupe to hold performances in

Mexico. The group had presented documentation from a well-known theatrical company in Colombia, backed by letters of endorsement from the Colombian Ministry of Culture. Upon investigation, the Mexican Consul discovered that none of the ten visa applicants had anything to do with the real theatrical company, and that visa facilitators in Cali had fooled the Colombian Culture Ministry using impressive-looking but forged letters from the real company. The Mexican Consul indicated that similar cultural groups in the past had not been subject to close scrutiny heretofore and had received Mexican visas. The Mexicans have worked with the local prosecutor to secure several arrests in the case and will pay closer attention to future cultural visa applications. Through sharing such experiences within this forum, the Anti-Fraud Working Group aims to familiarize all foreign Embassies in Bogotá with the latest visa "scams".



How to Contact the Consular Section

All information on visas, fraud, ACS and the Consular Communiqué can be accessed on our web page at <http://usembassy.state.gov/colombia>.

Non-immigrant visa information is available on this website and includes information about visas, supporting documents, how to schedule an appointment, stolen/lost passports, and forms.

If users need additional general information or to schedule an appointment, they must call the call center (Visa Information Call Center). They do this by obtaining a PIN code at any Colpatria bank, and then calling the call center at 01-8000-12-32-32. People requesting early appointments should call the call center as well. Callers from the United States may dial 1-800-368-0360. A credit card access fee for the US-based number will be charged. From within Bogotá, you may dial 346-9150. The Call Center does not provide case specific information.

There is no formal appeal process for visas which have been refused after an interview with a Consular Officer. A Supervisory Consular Officer reviews every refusal. Applicants may reapply following the normal application procedures. We however do not encourage applicants to do so unless



there have been significant changes in their economic and/or professional situations, or they are better able to demonstrate their bona-fides for non immigrant visa issuance. We do not accept any documents prior to an interview, nor can we accept third party inquiries. U.S. Congressional interests only should send inquiries to ConsularBogota@state.gov.

Information regarding **immigrant visas** can be obtained by phone at 571-315-1566 between 3:00 p.m. and 4:00 p.m. on Tuesdays. Priority dates for all immigrant visas are listed at http://travel.state.gov/visa_bulletin.html. The e-mail address is IVBogota@state.gov.

Our **Fraud Prevention Unit** can be reached by telephone at 571-315-2497. No visa questions will be answered at this number.

American Citizens Services questions should be e-mailed to acs_bogota@state.gov. No visa questions will be answered at this address. All information regarding passports and consular certification of birth can be found on our web site at <http://usembassy.state.gov/colombia/> and ACS/Visas. Travel advisories published by the U.S. Department of State can be found at <http://travel.state.gov/crisis1.html>.

American citizen services Unit

INTERNATIONAL CHILD ABDUCTION

The following information is taken from the Department of State website. For additional information on this subject please visit <http://travel.state.gov> and click on the link for the Office of Children's Issues.

You and your child are most vulnerable when your relationship with the other parent is troubled or broken, the other parent has close ties to another country, and/or the other country has traditions or laws that may be prejudicial against a parent of your gender or to non-citizens in general. However, anyone can be vulnerable. Many cases of international parental child abduction are actually cases in which the child traveled to a foreign country with the approval of both parents, but was later prevented from returning to the United States.



In international parental child abduction, an ounce of prevention is worth a pound of cure. Be alert to the possibility and be prepared. Keep a list of the addresses and telephone numbers of the other parent's relatives and friends. Keep a record of important information about the other parent, including: physical description, passport, social security, bank account, and driver's license numbers. Keep a written description of your child, including hair and eye color, height, weight, fingerprints, and any special physical characteristics; and take full-face color photographs and/or videos of your child every six months - a recent photo of the other parent may also be useful.

In addition, teach your child to use the telephone, memorize your home phone number, practice making collect calls, and instruct him or her to call home immediately if anything unusual happens. Discuss possible plans of action with your child in the case of abduction. Most important, however, if you feel your child is vulnerable to abduction, seek legal advice.

The Department of State's Passport Lookout Program can help you determine if your child has been issued a U.S. passport. You may also ask that your child's name be entered into the State Department's Children's Passport Issuance Alert Program. This will enable the Department to notify you if an application for a U.S. passport for the child is received anywhere in the United States or at any U.S. Embassy or Consulate abroad. The Department may not, however, revoke a passport that has already been issued to the child. There is also no way to track the use of a passport once it has been issued, since there are no exit controls of people leaving the United States. A new law, which took effect in July 2001, requires the signature of both parents prior to issuance of a U.S. passport to children under the age of 14.

When a United States citizen child is abducted abroad, the State Department's Office of Children's Issues works with United States Embassies and Consulates abroad to assist the child and left-behind parent in a number of ways. Despite the fact that children are taken across international borders, child custody disputes remain fundamentally civil legal matters between the parents involved, over which the Department of State has no jurisdiction. If a child custody dispute cannot be settled amicably between the parties, it often must be resolved by judicial proceedings in the country where the child is located.

What the State Department Can Do:

- ⇒ Act as the primary point of contact for left-behind parents;
- ⇒ Act as a liaison with federal and state agencies, including law enforcement officials;
- ⇒ In cases where the Hague Convention on the Civil Aspects of International Child Abduction applies, assist parents in filing an application with foreign authorities for return of or access to the child;
- ⇒ Attempt to locate, visit and report on the child's general welfare.

What the State Department Cannot Do:

- Intervene in civil legal matters between the parents;
- Enforce an American custody agreement overseas (United States custody decrees are not automatically enforceable outside of United States boundaries);
- Force another country to decide a custody case or enforce its laws in a particular way;
- Pay legal or other expenses.

Community News: Halloween Picnic with Underprivileged Kids



The Second Annual Halloween Picnic brought joy to the children of Santa Francisca Romana School. "If there was a perfect party for kids, it was the party that the Embassy provided for our 1st through 6th graders!" said a teacher. The Consular Section, with the help of many Embassy volunteers, sponsored a bake sale at the Embassy. The proceeds from the bake sale provided 200 portions of food and candy, the rental cost of a slide and fun house, a face painter and two cooks, who were unemployed parents. Consular officers dressed up as clowns, organized a balloon toss, an apple bobbing contest and a potato sack race. "We try to provide a variety of events for the children" explained a volunteer. "The children went from station to station eager to play each game."



The fun activities are not the only way the Consular Section supports the Santa Francisca Romana School. Many officers within the Mission sponsor children by paying US\$25 a month to fund a child's education. The Sponsorship Program's coordinator said that "the Program is our lifeline and we probably could not function without the sponsors' generosity." The Consular Section is also planning to help with a Holiday Season Toys for Tots gift giveaway and party for the children.



Happy Holiday Wishes from the U.S. Embassy Bogotá Consular Section!

